

No. 10
STATE OF MICHIGAN
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93rd Legislature
REGULAR SESSION OF 2006

Senate Chamber, Lansing, Tuesday, February 7, 2006.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator Patricia L. Birkholz.

The roll was called by the Secretary of the Senate, who announced that a quorum was not present.

Allen—present
Barcia—present
Basham—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present
Emerson—present

Garcia—present
George—present
Gilbert—present
Goschka—present
Hammerstrom—present
Hardiman—present
Jacobs—present
Jelinek—present
Johnson—excused
Kuipers—present
Leland—present
McManus—present

Olshove—present
Patterson—present
Prusi—present
Sanborn—present
Schauer—present
Scott—present
Sikkema—present
Stamas—present
Switalski—present
Thomas—present
Toy—present
Van Woerkom—present

Senator Laura M. Toy of the 6th District offered the following invocation:

Father, Mother God, bless this body as it works to better the lives of the people of Michigan. Watch over our citizens and protect the brave men and women abroad who protect us.

We pray. Amen.

The President pro tempore, Senator Birkholz, led the members of the Senate in recital of the *Pledge of Allegiance*.

Recess

Senator Schauer moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:04 a.m.

10:15 a.m.

The Senate was called to order by the President pro tempore, Senator Birkholz.

During the recess, Senators Hammerstrom, Jelinek, McManus, Bishop, Brown, Sikkema, Van Woerkom, Kuipers, Cropsey, Allen, Patterson, Cassis, Hardiman, Goschka, Stamas and George entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

Senator Hammerstrom moved that consideration of the following bills be postponed for today:

Senate Bill No. 246

Senate Bill No. 318

The motion prevailed.

Senator Hammerstrom moved that Senator Garcia be temporarily excused from today's session.

The motion prevailed.

Senator Hammerstrom moved that Senator Johnson be excused from today's session.

The motion prevailed.

The following communications were received and read:

Office of the Senate Majority Leader

February 6, 2006

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Families and Human Services Committee hold a hearing on the appointment of Verlie Ruffin as Children's Ombudsman, and make a written recommendation to the Government Operations Committee on this appointment.

February 6, 2006

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Transportation Committee hold a hearing on the appointments of James Scalici and Ted Wahby to the State Transportation Commission, and make a written recommendation to the Government Operations Committee on these appointments.

Sincerely,

Ken Sikkema, Chairman

Senate Government Operations Committee

The communications were referred to the Secretary for record.

The following communication was received:
Joint Committee on Administrative Rules

Waiver of Remaining Session Days

February 1, 2006

Pursuant to MCL 24.245a(1) the Joint Committee on Administrative Rules has by a concurrent majority vote, waived the remaining session days for the following rule set: Department of Environmental Quality—Office of Geological Survey. Nonferrous Metallic Mining (2005-001 EQ) dated January 18, 2006.

According to MCL 24.245a(2), if the Committee waives the remaining session days, the State Office of Administrative Hearings and Rules may immediately file the rule.

Sincerely,

Senator Michael Bishop
Chair

Representative Jim Marleau
Alternate Chair

The communication was referred to the Secretary for record.

COMMITTEE ATTENDANCE REPORT

The Joint Committee on Administrative Rules submitted the following:

Meeting held on Wednesday, February 1, 2006, at 9:00 a.m., Room 405, Capitol Building

Present: Senators Bishop (C), Jelinek, Kuipers, Thomas and Barcia

The following communication was received:
Office of the Auditor General

February 3, 2006

Enclosed is a copy of the following audit report:

Performance audit of the Bureau of State Lottery, Department of Treasury.

Sincerely,

Thomas H. McTavish, C.P.A.
Auditor General

The communication was referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Thursday, February 2:
House Bill No. 5494

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, February 2, for her approval the following bill:

Enrolled Senate Bill No. 366 at 1:57 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Friday, February 3, for her approval the following bills:

Enrolled Senate Bill No. 736 at 12:27 p.m.

Enrolled Senate Bill No. 788 at 12:30 p.m.

The Secretary announced that the following official bills were printed on Thursday, February 2, and are available at the legislative website:

Senate Bill Nos. 1018 1019 1020 1021 1022 1023 1024

House Bill Nos. 5620 5621 5622 5623 5624 5625 5626 5627 5628

The Secretary announced that the following official bills were printed on Friday, February 3, and are available at the legislative website:

Senate Bill Nos. 1025 1026 1027 1028 1029 1030

House Bill Nos. 5629 5630 5631 5632 5633 5634 5635

Messages from the Governor

Senator Hammerstrom moved that consideration of the following bills be postponed for today:

Senate Bill No. 272

Senate Bill No. 271

Senate Bill No. 264

Senate Bill No. 274

Senate Bill No. 281

Senate Bill No. 175

Senate Bill No. 236

Senate Bill No. 892

Senate Bill No. 893

The motion prevailed.

The following message from the Governor was received:

Date: February 2, 2006

Time: 9:14 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 624 (Public Act No. 2), being

An act to amend 2001 PA 142, entitled “An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions,” (MCL 250.1001 to 250.2080) by adding section 92.

(Filed with the Secretary of State on February 3, 2006, at 9:24 a.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following messages from the Governor were received and read:

February 2, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to state office under Section 3a of the Stille-DeRossett Single State Construction Code Act, 1972 PA 230, MCL 125.1503a:

State Construction Code Commission

Mr. Clifton Jack Lewis of 5600 Clear Lake Road, North Branch, Michigan 48461, county of Lapeer, reappointed to represent the general public, for a term expiring January 31, 2008.

Mr. Nelson C. McMath of 1685 Miller Road, Ann Arbor, Michigan 48103, county of Washtenaw, reappointed to represent organized labor, for a term expiring January 31, 2008.

Mr. Sean P. O’Neil of 14555 Gary Lane, Livonia, Michigan 48154, county of Wayne, reappointed to represent the general public, for a term expiring January 31, 2008.

February 2, 2006

I respectfully submit to the Senate pursuant to Article V, Section 6 of the Michigan Constitution of 1963, the following appointments and reappointments to office under Section 7 of the Elevator Safety Board Act, 1967 PA 227, MCL 408.807:

Elevator Safety Board

Mr. Patrick J. Carroll of 344 Woodlake Drive, Brighton, Michigan 48116, county of Livingston, succeeding Ken Moerman, who has resigned, representing elevator manufacturers, for a term commencing February 2, 2006 and expiring July 22, 2007.

Mr. David L. Flint of 2510 Hogan Circle, Fenton, Michigan 48430, county of Genesee, succeeding James Vibbart, who has resigned, representing elevator owners and lessees, for a term commencing February 2, 2006 and expiring July 22, 2007.

Ms. Erin C. McLogan of 2070 Jonathon Circle, Shelby Township, Michigan 48317, county of Macomb, succeeding Robert Bunker, who has resigned, representing insurance companies that are authorized to insure elevators, for a term commencing February 2, 2006 and expiring July 22, 2009.

Mr. Richard A. Egerer of 30060 Five Mile Road, Livonia, Michigan 48154, county of Wayne, reappointed to represent elevator contractor unions, for a term expiring July 22, 2007.

Mr. Steven C. Lindsay of 3315 Pickwick, Lansing, Michigan 48917, county of Ingham, reappointed to represent insurance companies that are authorized to insure elevators, for a term expiring July 22, 2007.

Mr. Joseph T. McNally of 6560 Sunburst Drive, Portage, Michigan 49024, county of Kalamazoo, reappointed to represent elevator manufacturers, for a term expiring July 22, 2009.

Mr. Andre G. Schirk of 282 West Pearl Street, Coldwater, Michigan 49036, county of Branch, reappointed to represent elevator contractor unions, for a term expiring July 22, 2009.

Mr. George A. Svinicki of 542 South Woodlands Drive, Clark Lake, Michigan 49234, county of Jackson, reappointed to represent professional engineers, for a term expiring July 22, 2008.

February 2, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Sections 16121 and 17021 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17021:

Michigan Board of Medicine

Ms. Theresa L. Fraley of 13100 Ludlow Avenue, Huntington Woods, Michigan 48070, county of Oakland, succeeding Thomas Lindsay, whose term has expired, representing the general public, for a term commencing February 2, 2006 and expiring December 31, 2009.

Ms. Cheryl Graham Solomon of 14630 Greenview, Detroit, Michigan 48223, county of Wayne, succeeding Helen Brinkman, whose term has expired, representing the general public, for a term commencing February 2, 2006 and expiring December 31, 2009.

February 2, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointment to state office under Section 13 of the State Plumbing Act, 2002 PA 733, MCL 338.3523:

State Plumbing Board

Mr. David M. Jones of 8413 Thames Court, Ypsilanti, Michigan 48198, county of Washtenaw, succeeding John Jacobs, who has resigned, representing a licensed master plumber securing permits, for a term commencing February 2, 2006 and expiring June 30, 2008.

Mr. Joseph "Charlie" Swindell of 7084 Hatchery, Waterford, Michigan 48327, county of Oakland, reappointed to represent licensed plumbing contractors who hold a master's license, for a term expiring June 30, 2008.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

The following message from the Governor was received and read:

APPROPRIATIONS; SUPPLEMENTAL

February 3, 2006

Today I have signed Enrolled Senate Bill 956. However, I disapprove a distinct item appropriating money in the bill as provided under Section 19 of Article V of the Michigan Constitution of 1963. The specific veto is contained in the attached copy of the bill, which has been filed with the Secretary of State.

I have vetoed Section 203 appropriating \$116.3 million from the general fund to the Countercyclical Budget and Economic Stabilization Fund. It is clear to me that this deposit was not a serious proposal. Also on my desk today is Enrolled Senate Bill 957, which would enact an unfunded Single Business Tax reduction. If both bills were signed as presented, a general fund deficit would result, triggering the executive order reduction process. Any deposit to the Budget Stabilization Fund should be considered in the context of final resolution of both the 2006 and 2007 budgets.

Respectfully,
Jennifer M. Granholm
Governor

This bill was signed by the Governor on February 3, 2006, at 3:28 p.m. (Filed with the Secretary of State on February 3, 2006, at 3:50 p.m.) and assigned Public Act No. 4.

The question being on the passage of the vetoed line item, the objections of the Governor to the contrary notwithstanding,

Senator Hammerstrom moved that further consideration of the bill be postponed for today.

The motion prevailed.

The following message from the Governor was received and read:

SINGLE BUSINESS TAX CREDIT; ALTERNATIVE TAX RATE AND
PERCENTAGE REDUCTION IN TAX LIABILITY

February 3, 2006

Today I have vetoed and return with objections Enrolled Senate Bill 957, as provided under Section 33 of Article IV of the Michigan Constitution of 1963.

Senate Bill 957 would result in a significant reduction in state revenues, as verified by your own nonpartisan Senate Fiscal Agency. Because the bill also would create additional incentives for business entities other than true small businesses, including affiliates of some large out-of-state corporations, to exploit loopholes in the Single Business Tax Act by claiming the lower alternative rate intended only for small businesses, state revenues would be cut further. The leadership of both the Senate and the House of Representatives have promised publicly and privately to close tax loopholes to pay for reductions in business taxes. That promise was not kept. The question of how they intend to pay for this bill remains unanswered.

This legislation also represents a piecemeal approach to improving Michigan's tax climate. In contrast, more than a year ago, I proposed a comprehensive and fiscally responsible restructuring of business taxes in Michigan—significantly lowering the Single Business Tax rate, cutting the alternative tax paid by small businesses, creating new tax incentives for investment in Michigan, closing tax loopholes, and eliminating tax shelters. I have yet to see an alternative comprehensive plan.

I will continue to oppose legislation that does not advance the goal of a comprehensive and fiscally responsible restructuring of business taxes in Michigan. But I also will continue to support bipartisan efforts to restructure our business tax system and improve the tax structure for small businesses in a positive way that does not threaten important services for Michigan citizens. Such efforts can include an end to the Single Business Tax as we know it, but the costs of changes in tax law cannot be ignored. We have already demonstrated our ability to make progress toward this goal when we work together. Senate Bill 957, standing alone, is not a step in that direction. I therefore return the bill without signature.

Respectfully,
Jennifer M. Granholm
Governor

This bill was returned from the Governor on February 3, 2006, at 3:49 p.m.

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding, Senator Hammerstrom moved that further consideration of the bill be postponed for today.

The motion prevailed.

Senator Garcia entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Hammerstrom moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President pro tempore, Senator Birkholz, designated Senator Allen as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Birkholz, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 5471, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending sections 2, 13, and 15 (MCL 125.2652, 125.2663, and 125.2665), as amended by 2005 PA 101.

The bill was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 372, entitled

A bill to provide for the oversight of the operation of certain water and sewer systems within this state; to create an authority; and to provide for the powers and duties of certain governmental officials and entities.

Substitute (S-2).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with amendments, the following bill:

Senate Bill No. 127, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2701) by adding section 360a.

The following are the amendments recommended by the Committee of the Whole:

- 1. Amend page 1, line 1, after "SEC. 360A." by inserting "(1)".
- 2. Amend page 1, line 4, after "WRITTEN" by inserting "OR ELECTRONIC".
- 3. Amend page 1, line 4, after "CUSTOMER." by inserting "A CUSTOMER MAY REVOKE SUCH CONSENT AT ANY TIME. A PROVIDER OF CELLULAR OR MOBILE TELECOMMUNICATION SERVICE SHALL REMOVE THE LISTING OF SUCH A CUSTOMER FROM DIRECTORY ASSISTANCE AND NOT INCLUDE IT IN FUTURE PUBLICATIONS OR COMMUNICATIONS OF THE DIRECTORY. A CELLULAR OR MOBILE TELECOMMUNICATIONS SERVICE CUSTOMER SHALL NOT BE CHARGED FOR MAKING THE CHOICE TO NOT BE INCLUDED WITH ANY DIRECTORY ASSISTANCE.".
- 4. Amend page 1, following line 4, by inserting:

"(2) THE WRITTEN CONSENT REQUIRED UNDER SUBSECTION (1) SHALL BE ON A SEPARATE DOCUMENT PROVIDED FOR THE SOLE PURPOSE OF OBTAINING THE CUSTOMER'S CONSENT.".

The Senate agreed to the amendments recommended by the Committee of the Whole, and the bill as amended was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

Senate Bill No. 372

The motion prevailed, a majority of the members serving voting therefor.

The following bill was read a third time:

Senate Bill No. 372, entitled

A bill to allow for the review, oversight, and providing of recommendations regarding the operation of certain water and sewer systems within this state; to create the water accountability advisory board; and to provide for the powers and duties of certain governmental officials and entities.

The question being on the passage of the bill,

The Assistant President pro tempore, Senator Sanborn, assumed the Chair.

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 56

Yeas—22

Allen	Garcia	Jelinek	Sanborn
Birkholz	George	Kuipers	Sikkema
Bishop	Gilbert	McManus	Stamas
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cropsey	Hardiman		

Nays—14

Barcia	Clark-Coleman	Leland	Scott
Basham	Clarke	Prusi	Switalski
Brater	Emerson	Schauer	Thomas
Cherry	Jacobs		

Excused—1

Johnson

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

Protest

Senator Basham, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 372 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Basham’s statement is as follows:

I am rising in opposition of Senate Bill No. 372, and the first thing I would like to address for my reasons of opposing Senate Bill No. 372 is the comments that my colleague made across the aisle from the 15th Senate District, and that had to do with regional cooperation. If we really wanted to do something worthwhile in the spirit of regional cooperation, maybe we should adopt the Pittsburgh Steelers. That would be something that would further enhance our image.

Quite frankly, getting back to this bill, the suburban communities are actually prevented by the state’s Constitution from having any say in the ownership or operation of the Detroit Water and Sewerage Department. These are the words of Judge Feikens in a ruling issued January 5, 2006. There is nothing ambiguous about that statement; there are no nuances to be uncovered. In fact, it is pretty clear Detroit and only Detroit has a right to own and operate its water system. What is not clear is why we are considering this bill. The city of Detroit built the water system. Its citizens paid for its construction through bonds that the city issued. When the suburbs determined the cost of building their own water system, it was cost-prohibitive. They asked that Detroit’s water line be extended, which the city did at its own expense.

Now legislators from these same suburbs are attempting to power grab, claiming they deserve control of the system. Let’s set the record straight. The customers who receive water from the Detroit water board are just that. They are customers. Paying the city of Detroit for providing the suburbs water does not mean that they own the system any more than, I say, again, shopping at Kmart for 20 years means that I own a share of Kmart.

Proponents of this bill will tell you it is not a takeover. They don’t want to own the system. They simply want to be able to control the rates and contracts of the system. How do you think GM would react if I walked into their board room saying I just bought a new GM vehicle, so even though I don’t own this company, I do have the right to decide how much you can charge for your vehicles and what suppliers you can contract with? I’d be laughed out of the room.

However, this bill before us is no laughing matter. The suburban communities are not required to retain sewer and water service from Detroit. Any of these communities may build their own system whenever and wherever they want. In fact, in my district, the city of Wyandotte, they’ve done just that. They have built their own water system. According to Judge Feikens’ own words, the DWSD is fulfilling its mission in complying with the Clean Water Act, even as the department’s director has cut his operating budget. The DWSD has also worked with the suburbs to establish better communications on how water rates are established and how our information is provided to the customers of that system. Allegations of improprieties in awarding contracts is being investigated by the special master appointed by Judge Feikens, who will be issuing a report with his findings and recommendations on this matter in the near future.

So this bill is unnecessary. There is no reason that this Legislature should be supporting a takeover of the Detroit water and sewer system.

I encourage my colleagues to not support this bill.

Senators Cassis, Thomas, Sanborn, Scott, Bishop, Switalski and Clark-Coleman asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Cassis’ statement is as follows:

As you know, I represent growing western Oakland County—definitely an area depending on the Detroit water and sewer system. We just saw an incredible two weeks of Detroit celebrating the biggest sporting event in the world, Super Bowl XL—congratulations Detroit. A very favorable and positive image of Detroit has been left in everyone’s mind.

We applaud the Mayor and those responsible for a safe and very fun-filled time. They showcased Detroit and gave us reason to believe Detroit will make a comeback.

In all of this, there was regional cooperation. Another example of regional cooperation is Automation Alley, eight counties whose economic cooperation is benefiting the entire state. This is an opportunity for a friend, a former colleague, a former State Representative—Mayor Kwame Kilpatrick to go to the next step to work regionally with all those who have an interest in the Detroit water and sewer system. All of us, whether suburban or city, have a stake in the Detroit water and sewer system, and the seeds of working together have already been planted. Legislatively, we have worked with Detroit for positive results. Just recently, we passed the city utility user tax, which allowed Detroit to keep collecting this tax and use the money for hiring and retaining police officers.

You remember that we also supported and passed the NEZ bills—the Neighborhood Enterprise Zone bills—which I shepherded through the Legislature to ensure that some Detroit residents will see needed property tax relief.

As a former legislator, Mayor Kilpatrick was one of the most successful at working together to move legislation. He knew the value of finding common ground and he was very good at it. Mayor Kilpatrick's leadership in finding mutual ground, a mutual coming together, expanding cooperative relationships, and working with suburban leaders to support an advisory board and to keep an advisory board is needed today more than ever.

Let us keep the spirit of Super Bowl XL alive in fostering solutions that are beneficial to all and make our region truly the dynamic, cooperative partnership—a two-way street—it can be and it should be.

Senator Thomas' statement is as follows:

Madam President, the sponsor of this legislation was right when she said that this Legislature for the past 23 years has been deliberating on this divisive issue. I must say that even though we have been deliberating on it for 23 years, it still stinks. It is an awful proposition for this Legislature to engage in. It will do nothing to foster regional cooperation. This bill imposes a structure or authority or board, or whatever you want to call it, upon the Detroit water department that is unwarranted, improper, and unconstitutional. It seems as if the principles of local control—that we run on every year—mean nothing when the issue concerns this property of the city of Detroit. It seems as if the principles of private property mean nothing when the issue concerns the city of Detroit.

Just last December, this body considered a ballot proposal regarding eminent domain. Many in the opposite party railed against the exercise of eminent domain as governmental overreaching, both on the Senate floor and to media back home. It made good headlines, and the legislation will probably pass in November. Now recall, colleagues, when eminent domain is used, the person whose property is taken is reimbursed for that loss.

Now I listened carefully to the principles that those supporting the eminent domain proposal put forth. They spoke of the sanctity of private property. They spoke of the right to remain secure without threat of governmental interference. Those are very, very strong principles. They mean something to me. They should mean something to us all, and yet today, they simply do not apply to the citizens of Detroit. If it is Detroit, it is always proper to interfere with local government. If it is Detroit, more governmental interference is somehow a good thing. If it is Detroit, the Constitution is no impediment.

Please do not say that this board, this authority, whatever you want to call it, is not designed to interfere with the structure and management of the Detroit water department. Please do not tell us that it is only a watchdog. Please do not tell us that this authority will merely do an audit once a year. This authority is there to approve, to consult, and to govern the Detroit water department. That equates to control and that is unconstitutional. As I have said before, this is illegal, period; there is no comma necessary on that.

On a January 5, 2006, ruling in U.S. District Court, Judge Feikens specifically said this is the property of the city of Detroit, but I'll take that a step further. If, by some reason this is constitutional, as some will argue, then it means absolutely nothing because we all know, every last one of us knows this is DOA—dead on adoption. Now if that's true—and I don't believe it to be—this authority will simply issue a lot of meaningless guidelines that can be freely ignored by the city of Detroit water department. The authority will run to the press and it will shout about this guideline and that recommendation; all while surcharging their own suburban residents 100 percent, 200 percent, and as high as the 450 percent that a township in southern Genesee County charges to move water 400 yards from the local water main. That's an important point. Your local governments, not the city of Detroit, are the reason why your water bills are so high, as my colleague from Detroit has previously stated.

So how does this legislation move the southeast region forward? Please explain that question to me. The question answers itself. It does nothing to move us forward; it simply moves us back. Maybe there are those who think that there is always something to gain in putting the city versus the suburbs, particularly at this time of year, like it's a deep well that will never run dry; that will always be filled with the politics associated with fear.

As the nation looked on last week during our Super Bowl time, we acted like a true region for the first time that I can recall in my ten years of political life. We banded together, and we knocked the socks off the world. People from around the country came to the city. People who didn't like Detroit left Detroit and felt that we were on the right track, that Detroit was America's true come-back city. They talked about Detroit vibe, a special feeling, Detroit feeling, Detroit love, that special feeling that gave us Motown, and the new generation of musicians that made the Motor City.

We surprised a lot of people, and now we have a chance to build on that success. In this body, we rarely talk about the concept of opportunity costs—the cost of forgoing something else when you take a certain path.

As Judge Feikens indicated again in January, there is an opportunity to resolve this matter—not through legislation or litigation, but through the negotiations. It is time to resolve this matter through negotiations of the parties themselves. The judge did indicate that under the Kilpatrick administration, there was no longer necessary a need for a receiver. Holding that same argument true, there is no reason necessary for this Legislature to involve itself. Let the affected communities come together and work this out. So why must we take this Legislature and jump into this issue and pass all the opportunity to solve a problem in favor of a new suburban-controlled bureaucracy? Our chance to end 30 years of infighting will pass again. That is the opportunity cost of this bill. That's the hidden price. If you pass this legislation, clearly the rancor continues; clearly the good vibe, that Detroit love, that Detroit spirit disappears, and we will continue to foster animosity and not have solutions.

So we have a choice. We can pick this day to move forward today. We can actually try to resolve this locally and build upon opportunity and build upon that Super Bowl experience, or we can regress back to the politics of fear and play this game again and play it again because it simply sells good tickets. That is not what this legislation should be about.

I urge my colleagues to not support this legislation, to move us forward, and to take an opportunity for real progress in Michigan.

Senator Sanborn's statement is as follows:

I rise with a sense of outrage. I rise to throw tea into the harbor. Madam President, this feels to me like taxation without representation.

For too long, my constituents in Macomb County have been questioning the Detroit Water and Sewerage Department about their rate-setting process. And for too long, we have been getting insufficient answers. It was so bad that the city of Warren even had to sue just to get some answers.

I know that if the shoe were on the other foot, my respected colleagues from the city of Detroit would stand with the same outrage. If we owned the infrastructure and we charged what we wanted, and we didn't want to give the answers for our rate-setting, they would be outraged as well.

I do not consider it unreasonable that Macomb County would have one voice in an eleven-member panel, just to get the information out as to how they set these rates. I find it interesting and even hypocritical that we talk about regions here, yet they don't want us to know. They don't even want us to have one voice in eleven.

My outrage continues as I hear them talking about regional transportation. They want to invite the suburbs in to pay for it. They're even willing to give us a vote to accomplish what they want. When they talk about the effort to expand Cobo Hall, they want the suburbs to step in and make it a regional effort. They're even willing to give us a voice, but they own the infrastructure here and they don't want us to have a voice. They want to charge what they want. We paid 13 percent more this year, even after the city of Warren filed this lawsuit, and I know that there are members on this floor who share in my outrage that we not even be allowed to have a voice.

Madam President, it feels to me like taxation without representation.

Senator Scott's statement is as follows:

I rise in opposition to Senate Bill No. 372. I say to those who support this bill that maybe you should get your own water department. I represent a number of cities, and one of those cities—a councilman—said to me that they have done their research and was no longer opposed to Detroit running their own. Now they understand. So I would hope that the other cities would do so also.

You know, if Judge Feikens has been over this water department since the 1970s, we should take what he has said into consideration—that Detroit is doing a good job. But I would suggest that those in the suburban areas, and I do represent suburban areas, that they would not use those markups that they're using. I just see where there's a city, Montrose, has as much as a 336 percent increase in their water bills for their citizens. And it's on the average of 160 percent according to the 2003 DWSD study. Note that the DWSD, in the spirit of compromise, no longer maintains such information, but it might be worthwhile to collect it for more internal information.

And just some recent numbers, and that was from January 2003, I see for 1,000 cubic feet of water, Birmingham's markup from the Detroit charges was over 180 percent, Walled Lake was 86 percent, Rochester Hills was 53 percent, and Livonia was 51 percent.

Now, if we would spend this kind of time dealing with Detroit to help them have some better insurance rates, because we talk about fairness, but we don't seem to know what fairness is. Well, fairness is treating all people the same all over this state to make sure that we all have some decent rates.

So, if my colleagues would take the time to spend on that than what we are on the taking of the Detroit water department, I think that would be better served.

Senator Bishop's statement is as follows:

I appreciate the previous comments and all of my colleagues who have risen today to join this vigorous debate. I'm not on the committee. I don't have the knowledge that the previous speaker has or the knowledge that the chair of the committee has, who has been the sponsor, but I want you to know that I think that the issue that she has raised is extremely important. I want to thank her for her diligence and hard work in bringing this to our attention. The reason why I have that opinion is because I have many local governments that have raised the issue with me over time in my representation of my district. I will, for example, use Pontiac, a city in my district that was concerned not too long ago this year. They'll see a 9.3 percent water rate reduction, but no one seems to explain how in 2005, the previous year, there was a 19 percent increase, and in the following year, there was a 45 percent increase in their water rate.

I know that this is an issue that is easy to lapse into politics and talk about things that we probably shouldn't talk about, given the fact that this is an election year, but I do believe that under the circumstances, this committee chair and sponsor of this bill has taken an issue and made it so that it only addressed our concern—our ongoing concern about accountability in government. It's not a power grab. It's not a taking, as some might suggest. That's a little bit of the salacious discussion that we've had today. In fact, what this is, is it brings back accountability to the system. We're talking about creating a board that oversees the process. I think our citizens, the people we represent, deserve at least that—the opportunity to address those issues.

Now, we've heard discussion about local communities raising their rates as well. I don't agree with that. I think most citizens in this state disagree with local communities raising rates on top of the Detroit water and sewer board, but let's face it; locally, we have a mechanism in place. We have a board in place that citizens can go to and get answers. We can get that information. That board is in place, and perhaps if that board was in place that we're talking about today, we wouldn't have this issue today. So the locals have taken the heat from their citizens and will continue to take the heat and suffer the scrutiny of the citizens if they chose to raise the rates like they've done in the past.

Now, I have a number of resolutions that came to my office from local governments expressing some concerns with regard to a report that was conducted in 2003 by the Oakland County drain commissioner, which concluded that 30 Oakland County communities serviced by the Detroit Water and Sewerage Department were overcharged \$13 million. That's enough to make your hair stand up and at least draw some concern for the people I represent. Now, I know that that number has been refuted and discussed on many occasions, but once again, if we had a board in place that was able to address issues, to gather information, and report back to the citizens of this state, we wouldn't have an ongoing controversy.

This is not about a power grab. This is not about a taking. This is about good government, and I strongly support the good Senator from Livonia. I would encourage your support for Senate Bill No. 372.

Senator Switalski's statement is as follows:

I sympathize with the sponsors of this legislation. They want to control the Detroit water system, but since theft is still illegal in the state of Michigan, they cannot simply take it. And if they give the authority any power, the bill will be unconstitutional. That is a difficult dilemma. Therefore, they are stuck with the unenviable solution of offering legislation that appears to take control but is actually purely advisory in nature. The legislation might look good to the causal observer, but it actually achieves nothing. Unfortunately, the powerless bureaucracy this bill creates will actually cost money, and the money will be paid by the ratepayers it is supposedly trying to help. Section 3(7) provides for per diems and expenses for the board, and Section 3(8) compels the board to hire an executive director and staff. Section 10(4) compels the DSWD CFO to provide any information regardless of cost to a board that has no power to do anything with the information.

Do we need to create an expensive bureaucracy with no power to do anything? I submit that the people of Michigan are not interested in creating more government whose only product is paper shuffling.

Senator Clark-Coleman's statement is as follows:

Proponents of this legislation can use any term they choose to describe it—authority, oversight, review—but in the end, this bill is about taking control of the water and sewerage department from the city of Detroit. The suburban communities that link into the Detroit system are customers of the water system. They are not its owners. This bill is attempting to make the suburbs the owners of the system by giving authority over rate changes, budgeting, finance, and contracts. Now, if that ain't a takeover, I don't know what it is.

Putting aside the fact that the Governor vetoed a nearly identical bill and ignoring the question of whether it is constitutional, there is just no need for this divisive legislation. Judge John Feikens, who has presided over the water system since the '70s, issued an opinion on January 5th commending the work of the Detroit Water and Sewerage Department in complying with the provisions of the Clean Water Act and in administering rate increases. The judge wrote, and I quote, "Detroit Water and Sewerage Department's water and sewage rates are among the lowest in the nation, despite the cost of many required improvements."

Proponents of this bill want the suburbs to have oversight over the rate that Detroit charges communities for water. What they should be asking for is an accounting from the suburban communities for the rates they charge their citizens

which often includes a substantial markup. These figures are no longer calculated because they do nothing to foster the—and I've heard this word many times—cooperation that is occurring between Detroit and its suburbs.

Now one example of cooperation is the Southeast Michigan Consortium for Water Quality Judge Feikens initiated in 2001 when he invited 40 civic and governmental leaders to address water quality problems. As noted in Judge Feikens' opinion, these leaders "worked toward resolving disputes and made recommendations for measures that help achieve long-term compliance with" the Clean Water Act, and that the consortium has made progress on key issues.

We talk about cooperation. Another example is the customer outreach program from the technical advisory committee of the suburban wholesale water customers. That technical advisory committee invites all users of the Detroit water system to forums and workshops meant to improve the communication between the Detroit water board and its suburban customers. In a letter to state legislators dated June 2004, the technical advisory committee wrote that, "The customers, communities, and Detroit Water and Sewerage Department are extremely impressed with the results of the program after only one year, and it is our intention to continue with this proactive partnering program on an ongoing basis." That same technical advisory committee continues to function to this date, yet despite all the facts and figures I have just noted, we are still considering legislation to wrest control and authority of the water system from the city of Detroit.

Let me conclude with the words of Judge Feikens; those that he used to conclude his opinion: "This dilemma"—meaning the dispute between the suburbs and the Detroit Water and Sewerage Department—"will not be resolved by legislation or litigation. It demands"—and I've heard many of my colleagues on the other side of the aisle say—"cooperation."

We have tried takeovers in the past. Might I remind you of the infamous takeover of the Detroit school board? It's just one more example that takeovers don't work. In the spirit of cooperation, let's, all of us, come together in regional cooperation. Let's come together and vote down this disruptive bill and permit the Detroit Water and Sewerage Department to continue its good work.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 351, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2004 PA 97, and by adding section 16322 and part 165.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 579, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 9 (MCL 207.559), as amended by 2005 PA 251.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

Pursuant to rule 3.202, the bill was laid over one day.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senators Hardiman, Patterson, Clarke, Johnson, Toy, Hammerstrom, Jacobs, Allen, Gilbert, Birkholz, Cropsey, Stamas, Scott and Leland offered the following resolution:

Senate Resolution No. 95.

A resolution to memorialize the Congress of the United States to enact legislation reauthorizing the Ryan White CARE Act to provide comprehensive care for the neediest victims of HIV/AIDS.

Whereas, The numbers of children, youth, and particularly young women who are infected with HIV or have developed AIDS are increasing. In the United States, more than 9,000 children under the age of thirteen are living with HIV/AIDS. Of the nearly 40,000 Americans infected every year with HIV, nearly fifteen percent are under twenty-five years of age. Among the newly infected in the age group of thirteen to nineteen, fifty-eight percent are women; and

Whereas, Children and young people infected with HIV and living with AIDS have unique needs for specialized medical services and psychosocial support. Programs funded under the Ryan White CARE Act successfully deliver family-centered, coordinated health care and support services for women, children, youth and families. These programs have played a significant role in reducing the number of mother-to-child HIV infections from 2,000 to fewer than 200 per year; and

Whereas, In his State of the Union address, President George W. Bush supported reauthorization of the Ryan White CARE Act to encourage prevention of HIV/AIDS and provide care and treatment for the neediest HIV/AIDS victims. The Secretary of Health and Human Services proposed five guiding principles to reauthorize the Act. First, serve the neediest victims of HIV/AIDS. Second, focus on delivering life-saving and life-extending services. Third, increase prevention efforts through more routine testing. Fourth, increase the accountability of states and organizations receiving federal funds. Fifth, give the federal government flexibility to reallocate unspent funds. By following these principles, care will be delivered to the neediest patients that will help them live longer and healthier lives; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation reauthorizing the Ryan White CARE Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Hammerstrom moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on the adoption of the resolution,

Senator Hammerstrom moved that the resolution be referred to the Committee on Families and Human Services.

The motion prevailed.

Senators Prusi and Switalski were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senators Johnson, Switalski, Jacobs, Clarke, Clark-Coleman, Emerson, Brater, Scott, Thomas, Prusi and Leland introduced

Senate Bill No. 1031, entitled

A bill to provide for the levy, collection, and administration of an excise tax on the admission charge to an entertainment event in this state; to provide for the disposition of the proceeds of the tax; to create and operate a grant program; to prescribe the powers and duties of certain state departments; and to provide for certain exemptions.

The bill was read a first and second time by title and referred to the Committee on Finance.

Senators Sanborn, Switalski and Olshove introduced

Senate Bill No. 1032, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1 of chapter XI (MCL 771.1), as amended by 2004 PA 219.

The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senators Basham, Jacobs, Clarke, Clark-Coleman and Scott introduced

Senate Bill No. 1033, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21736.

The bill was read a first and second time by title and referred to the Committee on Health Policy.

Senators Basham, Jacobs, Clarke, Clark-Coleman and Scott introduced

Senate Bill No. 1034, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending section 801 (MCL 37.2801).

The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senators Prusi, Barcia, Cherry, Van Woerkom, Allen, Patterson and Jelinek introduced

Senate Bill No. 1035, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 801 (MCL 257.801), as amended by 2004 PA 427.

The bill was read a first and second time by title and referred to the Committee on Transportation.

Senator Cropsy introduced

Senate Bill No. 1036, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 544c (MCL 168.544c), as amended by 2002 PA 431.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senators George, Kuipers, Birkholz, Goschka, Allen and Toy introduced

Senate Bill No. 1037, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending sections 260, 261, and 269 (MCL 206.260, 206.261, and 206.269), section 260 as amended by 1996 PA 484, section 261 as amended by 2000 PA 195, and section 269 as added by 2004 PA 313.

The bill was read a first and second time by title and referred to the Committee on Finance.

House Bill No. 5494, entitled

A bill to amend 1990 PA 187, entitled “The pupil transportation act,” by amending the title and sections 5, 7, 9, 10, 10a, 11, 21, 23, 25, 27, 29, 31, 33, 39, 41, 43, 49, 51, 53, 55, 57, 61, 67, 69, 70, and 73 (MCL 257.1805, 257.1807, 257.1809, 257.1810, 257.1810a, 257.1811, 257.1821, 257.1823, 257.1825, 257.1827, 257.1829, 257.1831, 257.1833, 257.1839, 257.1841, 257.1843, 257.1849, 257.1851, 257.1853, 257.1855, 257.1857, 257.1861, 257.1867, 257.1869, 257.1870, and 257.1873), sections 5, 7, 10, and 10a as amended by 2000 PA 49, section 23 as amended by 1990 PA 322, section 33 as amended by 2001 PA 130, section 49 as amended by 1994 PA 309, section 53 as amended by 2004 PA 131, section 55 as amended by 2004 PA 231, and section 57 as amended by 1996 PA 170; and to repeal acts and parts of acts.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Transportation.

Statements

Senators George, Scott and Cassis asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator George’s statement is as follows:

Last week, I reported on various problems that physicians were encountering within the Medicaid program—patients not showing up for appointments, difficulty in determining Medicaid eligibility, claims automatically being diverted for prolonged reviews; and then our Medicaid HMOs and fee-for-service Medicaid both demanding rebates after approving and paying for service; and then finally the low reimbursement rates and you will recall these were cut four percent last year. All this has led to physicians dropping out of the system and serves to illustrate that our Medicaid program is broken.

I’ve received other complaints about Medicaid. Recently, I received a call from a physician treating a Medicaid recipient with breast cancer. The woman had undergone a mastectomy for advanced disease and then had been treated with chemotherapy and radiation therapy. Now she is at a high risk to develop a second cancer in her other breast, and she is requesting a prophylactic mastectomy, which in light of her personal and family history, is justified. Her physician called to tell me he cannot get Medicaid to approve this treatment. Other carriers will pay for a prophylactic mastectomy over treatment for a second cancer, but not our Medicaid program. We will cover chiropractic and podiatry treatments for her instead. Again, this shows how our Medicaid program is broken.

Another area where Medicaid is dysfunctional is the area of electronic billing. Certain procedures, such as tubal ligations, cannot be billed electronically. Instead, special paper forms must be completely filled out and sent in with the claim. If anyone of the 21 pieces of information called for in the form is missing, the claim is rejected. Medicaid is broken. Once again, Medicaid is broken. Now some people say, “If it ain’t broke, don’t fix it.” But here it is broken, so let’s fix it. In fact, let’s fix it first before we embark on building another health care superhighway, and let’s repair

the broken one we already have. Let's fix it first. Before we bring out the heavy machinery and start laying more health care concrete, let's provide some maintenance to our existing Medicaid roadway. Let's use the \$1 billion we are told is coming from the federal government to fix it first.

Now the Governor has said that she wants Michigan to have a private health system network; that this will cut down on unnecessary tests and medical errors. Well, that is fine. Why don't we start with Medicaid then? Let's fix its information system first. Let's repair our crumbling Medicaid roadway so that it will actually make people healthier. Let's get rid of the answering machines and the paper in the mail. Let's bring Medicaid up to the 21st century. Why don't we fix it first so that eligibility, benefit determination, records, prescriptions, and compliance can all be tracked electronically? Why don't we fix it first?

Why don't we take that billion dollars and create an incentive system to reward patients who actually show up for appointments, avoid illegal drugs, smoke less, get their children vaccinated, or exercise more? Why don't we fix it first and actually design a Medicaid program that will make Michigan citizens healthy?

Colleagues, let's fix the Medicaid roadway we have now before we put shovels in the ground to build a redundant road to nowhere. Let's make Michigan healthy; let's fix it first.

Senator Scott's statement is as follows:

First, I want to thank the chair of insurance for having a wonderful hearing on Thursday—all three hours. It was truly a great first start, and I certainly do thank him.

I was kind of disturbed when I read some of the things that were written up, and I'm not sure if it was *MIRS* or *Gongwer*, but some of the people who came to testify said if insurance companies were not allowed to take the geography into consideration when determining auto insurance, as reported by Detroit lawmakers, 60 percent of the state would see insurance bills increase by about 15 percent. About 40 percent of the state would see rates decrease about 16.8 percent, according to a report by the Property Casualty Insurers Association of America.

We have no idea what kind of data they used for that. I think people are just coming in and throwing in some arbitrary things. It just reminded me of when we did the Davison Freeway. They said it was going to be too costly to do it. It was going to cost \$60 million. Well, five or ten years later, when they did do the freeway, it was only \$40 million. So people just throw out things. I don't think that we should allow people to come in and just throw out these reports without giving us more information on them. So, again, I say they are arbitrary because that same report shows that 52 percent of the state would end up paying an average of 25.2 percent more in homeowners insurance, while 48 percent would pay 18.1 percent less. Then they say that changing insurance rules to bail out the obscenely high rates of the minority cannot be done without shifting cost to the majority.

Just remember what that bill does. It makes everyone accountable for themselves because it's individually. I'm talking about Senate Bill No. 26, that you should be charged for the kind of car you drive, your driving record, and the distance that you drive. If Detroit is such a hazardous place than other urban areas that their rates have to be more, then those who drive into those communities should have to pay that hazardous rate.

They are saying that Detroit health costs are rising more quickly than elsewhere in Michigan. But the city already has the state's highest medical costs going to the hospitals. It costs 20 percent more than seeking care in Lansing or Ann Arbor. That's what they say. But I would just like to see how these comparisons are before these people just keep throwing these things out.

We should really think about doing what we can to make insurance affordable. We have people who are underinsured because they simply cannot afford it. I thank the chair again of the committee because at least we are now discussing these bills, but we need to do something more. We need to make it happen.

Senator Cassis' statement is as follows:

The Governor's recent veto of a bill providing tax relief, Senate Bill No. 957, to some 35,000 small businesses—the backbone of our economy, the very job providers in our state—throws thoughtless mud in the eyes of those struggling to hang on, those trying to expand, and those thinking of adding jobs.

Governor, we cannot allow your veto excuses to stand, period. We cannot permit you to support huge industries and snub your nose at Michigan's small job providers near our neighborhoods and in our downtowns, our main streets; those who charitably support every local goodwill need for Rotary, for the Lions, for the Kiwanis Clubs, for all their good deeds, to our Boy and Girl Scouts, and on and on. This is the private sector that is diverse and trying its darndest to maintain a foothold and advance our struggling economy.

So, as legislators, we do have a response. We have a voice, a plan, a choice. We will continue to refine and pass bills that reduce taxes that burden some 35,000 businesses. *Crain's*, among others, emphasize that Michigan's cost of doing business is one of the highest of any of the states in our nation.

When, Governor, will you act, not talk? Why, Governor, did you say in your State of the State address, "Just wait, just wait, five years from now Michigan will blow you away?" How? How will that happen when you veto positive help to our small business job providers. We cannot wait five years. We have to start today. This, we in the majority party, intend to do.

Committee Reports

The Committee on Banking and Financial Institutions reported

Senate Bill No. 880, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding chapter 41A.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Michael D. Bishop

Chairperson

To Report Out:

Yeas: Senators Bishop, Van Woerkom, Sanborn, Stamas, Leland, Olshove and Clark-Coleman

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Thursday, February 2, 2006, at 12:00 noon, Room 100, Farnum Building

Present: Senators Bishop (C), Van Woerkom, Sanborn, Stamas, Leland, Olshove and Clark-Coleman

COMMITTEE ATTENDANCE REPORT

The Legislative Retirement Board of Trustees Investment Subcommittee submitted the following:

Meeting held on Wednesday, February 1, 2006, at 3:00 p.m., Room H-252, Capitol Building

Present: Senators Hammerstrom and Leland

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture, Forestry and Tourism submitted the following:

Meeting held on Thursday, February 2, 2006, at 8:00 a.m., Room 110, Farnum Building

Present: Senators Van Woerkom (C), Gilbert and Jelinek

Excused: Senators Brater and Thomas

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture submitted the following:

Joint meeting held on Thursday, February 2, 2006, at 9:00 a.m., Room 428, Capitol Building

Present: Senators Brown (C), Jelinek and Barcia

Scheduled Meetings

Appropriations - Wednesday, February 8, 2:00 p.m., and Thursday, February 9, 1:00 p.m. or later immediately following Senate/House Committee Appropriations Meeting, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Subcommittees -

Community Colleges - Wednesday, February 22, 12:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Community Health Department - Tuesdays, February 14, February 21, February 28 and March 14, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7946)

Environmental Quality Department - Tuesdays, February 21, February 28, March 7 and March 14, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Higher Education - Fridays, February 17, 10:00 a.m., Michigan State University, Radiology Building Auditorium, Service Drive, East Lansing; February 24, Western Michigan University, Dorothy Upjohn Dalton Fine Arts Center, Room 1006, 1903 W. Michigan, Kalamazoo; March 3, Kettering University, Campus Center, Room A, 1700 W. Third Avenue, Flint; and Monday, March 13, Saginaw Valley State University, Curtiss Hall, Emeriti Room, University Drive, University Center (373-1760)

Judiciary and Corrections - Tuesday, February 21, 3:00 p.m., Room 402, Capitol Building (373-3760)

K-12, School Aid, Education - Thursday, February 16, 12:30 p.m., Rooms 402 and 403, Capitol Building (373-6960)

Natural Resources Department - Wednesdays, February 15, 8:30 a.m., and February 22, March 1, March 8 and March 15, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Transportation Department - Tuesdays, April 18, April 25, May 2, May 9, May 16 and May 23, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Transportation Department and Transportation - Tuesday, February 14, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Appropriations, Senate/House - Thursday, February 9, 12:00 noon, House Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Economic Development, Small Business and Regulatory Reform - Wednesday, February 8, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Education - Thursday, February 9, 7:00 p.m., Kent ISD, 2930 Knapp NE, Grand Rapids (373-6920)

Finance - Wednesday, February 8, 1:00 p.m., Room 110, Farnum Building (373-1758)

Health Policy - Wednesday, February 8, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-3543)

Michigan Law Revision Commission - Monday, February 27, 1:00 p.m., Legislative Council Administrator's Conference Room, 4th Floor, Boji Tower (373-0212)

Technology and Energy - Wednesday, February 8, 3:00 p.m., Room 210, Farnum Building (373-7350)

Transportation and Transportation Department Appropriations Subcommittee - Tuesday, February 14, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-7708)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 12:08 p.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Wednesday, February 8, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

